

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA,

-against-

MEMORANDUM AND ORDER
04-CR-699 (DRH) (S-2)

RODNEY ARNOLDO MORRISON,

Defendant.

-----X
A P P E A R A N C E S:

For the Government:

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United States Attorney
Eastern District of New York
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By: James M. Miskiewicz, A.U.S.A.
Richard Thomas Lunger, Jr., A.U.S.A

For Defendant:

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HURLEY, Senior District Judge:

By letter dated June 1, 2007, William H. Murphy, Jr., Esq., one of the attorneys for Rodney Arnoldo Morrison ("Morrison"), made a renewed motion for bail on Morrison's behalf. By Order dated June 4, 2007, I referred that application to Magistrate Judge A. Kathleen Tomlinson, coupled with the direction that she conduct a bail hearing on the relief sought in the June 1, 2007 letter. That referral order is authorized under 28 U.S.C. § 636(b)(1)(B) and does not require the consent of the defendant.

By letter dated June 7, 2007, another attorney for Morrison, Richard Ware Levitt, Esq., requested that this Court hear the pending bail application, rather than Judge Tomlinson. That request is apparently based on the following language which was inadvertently included in the June 4, 2007 Order of Referral: "Voluntarily consented to after full consideration by defendant with counsel If there is no consent, the District Court Judge assigned rather than [the] Magistrate Judge will act." Which is to say, Attorney Levitt's request is certainly reasonable given the erroneous inclusion of the consent portion of the subject order.

In any event, to implement my original intention, i.e.

that Judge Tomlinson conduct the bail hearing subject to my later de novo review, if necessary, I have issued an amended Order of Referral this date, absent the consent language.

SO ORDERED.

Dated: June 8, 2007
Central Islip, New York

_____/s/_____
DENIS R. HURLEY, U.S.D.J.